

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, March 22, 2017

TIME: 9:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Lee, Senators Davis, Hagedorn, Anthon, Agenbroad, Foreman, Burgoyne, and Nye

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lodge** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 9:03 a.m.

MINUTES APPROVAL: **Senator Foreman** moved to approve the minutes of February 27, 2017. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

Senator Burgoyne moved to approve the minutes of March 6, 2017. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Senator Hagedorn moved to approve the minutes of March 8, 2017. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

Senator Hagedorn moved to approve the minutes of March 10, 2017. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

Senator Agenbroad moved to approve the minutes of March 15, 2017. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

S 1202 **Relating to Wage Garnishment.** **Senator Burgoyne** informed the Committee that **S 1202** is a rewrite of Idaho's garnishment statutes dating back as far as 1889. He explained that some of the language was archaic and that the application of the statutes across the State was not consistent.

Senator Burgoyne addressed changes resulting from this bill relating to the amount of the various fees involved in garnishment, who pays the fees, and how they are paid, with a focus on keeping the fees reasonable. He described continuing garnishments and pointed out that they are easier to administer, ensure the repayment of the creditor, and provide order in the process of garnishment of wages.

Senator Burgoyne advised that there was some opposition considering the fees as some stakeholders wanted an increase. He felt this bill is a good starting point, and that this issue could be addressed in the future. He reviewed the laws relating to comingling, and he felt that the managing of fees will be transparent.

Senator Hagedorn inquired why changes in an entire section of code is brought forward so near the end of the legislative session. **Senator Burgoyne** replied that during this year a great deal of time focused on the opposition expressed by financial institutions. Efforts to solve the conflict were not successful, so the decision was made to move forward. **Senator Davis** noted that this bill has been five years in the making, and all concerns have been met except the one involving the financial institutions which can be addressed through future legislation.

John Watts, Veritas Advisors, emphasized that since 2012 an attempt has been made to rewrite wage garnishment statute. He commented that although it is not perfect, **S 1202** sets a foundation to build upon. **Mr. Watts** expressed appreciation to all who have helped and shared a roster of the working group (attachment 1) who have worked together for the last two years to complete this bill, combining three separate chapters of Idaho Code.

Senator Burgoyne referred to an email from Howard Belodoff, Idaho Legal Aid Services, and asked Mr. Watts to explain that message. **Mr. Watts** replied that Idaho Legal Aid Services supports this legislation. He related that Mr. Belodoff was instrumental in clarifying the law on comingling.

Senator Anthon inquired if the bankruptcy and commerce section of the State Bar have analyzed this bill. **Michael Henderson**, Counsel for the Courts, responded that the attempt was made to bring all stakeholders together, but this group was not represented. **Senator Anthon** asked if Debtor's Counsel was consulted.

Mr. Henderson responded that the effort was made to bring together those who were involved in collections, and individuals sharing the interests of the Debtor's Counsel were involved.

Senator Davis commented that the modifications do not apply to any exemptions under Titles 55, 72, or 11 except for removing comingling because of federal law.

Senator Agenbroad disclosed that he had a conflict of interest pursuant to Senate Rule 39(H).

MOTION: **Senator Davis** moved to send **S 1202** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Chairman Lodge welcomed the Eagle High School government class to the Committee.

PRESENTATION: **Page graduation.** **Shanyce Barber**, Page, Senate Judiciary and Rules, expressed her appreciation for the working relationship of the Committee members. She shared her plans of attending Lewis and Clark College, pursuing a degree in criminal justice, and felt this goal was enhanced by serving on the Judiciary and Rules Committee as the work relates to criminal justice. A short discussion ensued between Shanyce and the member of the Committee. **Chairman Lodge** presented Shanyce with tokens of appreciation and letters of recommendation from the Committee.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 9:26 a.m.

Chairman Lodge
Chair

Carol Cornwall
Secretary